

STATE: MINNESOTA
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6.d. Other practitioners' services. (continued)

B. **Public health nursing services.**

- e) ___ coordination of services;
- f) ___ referrals and follow-up to appropriate payers and community resources;
- g) completion of required reports;
- h) if a need is determined, recommendation and receipt of service authorization; and
- i) recipient education.

Reassessments are conducted, in person, at least annually or when there is a significant change in the recipient's condition and need for services. The reassessment includes:

- a) a review of initial baseline data;
- b) an evaluation of service effectiveness;
- c) a redetermination of need for service;
- d) a modification of the service plan, if necessary, and appropriate referrals;
- e) an update of the initial forms;
- f) if a need is redetermined, recommendation and receipt of service authorization; and
- g) ongoing recipient education.

Service updates are conducted in lieu of an annual face-to-face reassessment when a recipient's condition or need for personal care assistant services has not changed substantially, or between required assessments when the recipient or provider requests a temporary increase in services until an in-person review is conducted. The service update includes all the elements listed in items a) through g), above, but does not require an in-person visit.

~~If flexible use of personal care assistant hours is used, as part of the assessment, reassessment, and service plan development or modification, the recipient or responsible party must work with the public health nurse to develop a written month-to-month plan of the projected use of personal care assistant services that is part of the service plan. This month-to-month plan must ensure that actual use of hours will be monitored and that the:~~

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6.d. Other practitioners' services. (continued)

B. **Public health nursing services.**

- ~~a) health and safety needs of the recipient will be met; and~~
- ~~b) total annual authorization will not be exceeded before the end date.~~

~~If the actual use of personal care assistant service varies significantly from the use projected in the service plan, the month-to-month plan must be promptly updated by the recipient or responsible party and the public health nurse.~~

Public health nurses who administer pediatric vaccines as noted in item 5.a., Physicians' services within the scope of their licensure must enroll in the Minnesota Vaccines for Children Program.

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26. Personal care assistant services.

Personal care assistant services are provided by personal care provider organizations or by use of the PCA Choice option.

A. Personal care provider organizations

Personal care services provider qualifications:

- Personal care assistants must be employees of or under contract with a personal care provider organization within the service area. If there are not two personal care provider organizations within the service area, the Department may waive this requirement. ~~If there is no personal care provider organization within the service area, the personal care assistant must be enrolled as a personal care assistant provider.~~
- If a recipient's diagnosis or condition changes, requiring a level of care beyond that which can be provided by a personal care provider, non-Medicare certified personal care providers must refer and document the referral of dual eligibles to Medicare providers (when Medicare is the appropriate payer).
- Effective July 1, 1996, personal care assistant means a person who:
 - a) is at least 18 years old, except for persons 16 to 18 years of age who participated in a related school-based job training program or have completed a certified home health aide competency evaluation;
 - b) is able to effectively communicate with the recipient and the personal care provider organization;
 - c) is able to and provides covered personal care assistant services according to the recipient's plan of care, responds appropriately to the recipient's needs, and reports changes in the recipient's conditions to the supervising

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qualified professional or physician. For the purposes of this item, "qualified professional" means a registered nurse, ~~or~~ a mental health professional defined in item 6.d.A. of this attachment, or licensed social worker;

- d) is not a consumer of personal care assistant services; and
- e) is subject to criminal background checks and procedures specified in the state human services licensing act.
- Effective July 1, 1996, personal care provider organization means an entity enrolled to provide personal care assistant services under medical assistance that complies with the following:
 - a) owners who have a five percent interest or more, and managerial officials are subject to a background study. This applies to currently enrolled personal care provider organizations and those entities seeking to enroll as a personal care provider organization. Effective November 10, 1997, an organization is barred from enrollment if an owner or managerial official of the organization has been convicted of a crime specified in the state human services licensing act, or a comparable crime in another jurisdiction, unless the owner or managerial official meets the reconsideration criteria specified in the state human services licensing act;
 - b) the organization must maintain a surety bond and liability insurance throughout the duration of enrollment and provide proof thereof. The insurer must notify the Department of the cancellation or lapse of policy; and
 - c) the organization must maintain documentation of personal care assistant services as specified in rule, as well as evidence of compliance with personal care assistant training requirements.

26. Personal care assistant services. (continued)

B. PCA Choice option

Under this option, the recipient and qualified professional do not require professional delegation.

- The recipient or responsible party:
 - a) uses a PCA Choice provider, not a personal care provider organization. A PCA Choice provider assists the recipient to account for covered personal care assistant services. A PCA Choice provider is considered a joint employer of the qualified professional described in item A and the personal care assistant, and may not be related to the recipient, qualified professional, or personal care assistant. A PCA Choice provider or owner of the entity providing PCA Choice services must pass a criminal background check according to the state human services licensing act;
 - b) if a qualified professional is requested, uses a qualified professional for help in developing and revising a service plan to meet the recipient's needs, as assessed by the public health nurse;
 - c) supervises the personal care assistant if the recipient or responsible party does not want a qualified professional to supervise the personal care assistant;
 - d) if the recipient or responsible party wants a qualified professional to supervise the personal care assistant, verifies and documents the credentials of the qualified professional, and then recruits, hires and, if necessary, terminates the qualified professional;
 - e) recruits, hires and, if necessary, terminates the personal care assistant;

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- f) with assistance from the qualified professional, orients trains the personal care assistant;
- g) with assistance as needed from the qualified professional or the recipient's physician, supervises and evaluates the personal care assistant;
- h) monitors and verifies in writing the number of hours worked by the qualified professional and the personal care assistant; and
- i) together with the PCA Choice provider, qualified professional, and personal care assistant, enters into a written agreement before services begin. The agreement must include:
 - 1) the duties of the recipient, PCA Choice provider, qualified professional, and personal care assistant;
 - 2) the salary and benefits for the qualified professional and personal care assistant;
 - 3) the administrative fee of the PCA Choice provider and services paid for with that fee, including background checks;
 - 4) procedures to respond to billing or payment complaints; and
 - 5) procedures for hiring and terminating the qualified professional and personal care assistant.

The PCA Choice provider:

- a) enrolls in medical assistance;
- b) requests and secures background checks on qualified professionals and personal care assistants according to the state human services licensing act;

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- c) bills for personal care assistant and qualified professional services;
- d) pays the qualified professional and personal care assistant based on actual hours of services provided;
- e) withholds and pays all applicable federal and state taxes;
- f) makes the arrangements and pays unemployment insurance, taxes, workers' compensation, liability insurance, and other benefits, if any;
- g) verifies and keeps records of hours worked by the qualified professional and personal care assistant; and
- h) ensures arm's length transactions with the recipient and personal care assistant.

At a minimum, qualified professionals visit the recipient in the recipient's home at least once every year. Qualified professionals report to the appropriate authorities any suspected abuse, neglect, or financial exploitation of the recipient.

As part of the assessment and reassessment process in item 6.d.B. of this attachment, the following must be met to use, or continue to use, a PCA Choice provider:

- a) the recipient must be able to direct the recipient's own care, or the responsible party for the recipient must be readily available to direct the care of the personal care assistant;
- b) the recipient or responsible party must be knowledgeable of the health care needs of the recipient and be able to effectively communicate those needs;
- c) effective August 1, 2002, the recipient who receives shared personal care assistant services (shared services) must use the same PCA Choice provider; and

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- d) a service update cannot be used in lieu of an annual reassessment.

Authorization to use the PCA Choice option will be denied, revoked, or suspended if:

- a) the public health nurse or qualified professional determines that use of this option jeopardizes the recipient's health and safety;
- b) the parties do not comply with the written agreement; or
- c) the use of the option results in abusive or fraudulent billing.

The recipient or responsible party may appeal this decision. A denial, revocation or suspension will not affect the recipient's authorized level of personal care assistant services.

Amount, duration and scope of personal care assistant services:

- Department prior authorization is required for all personal care assistant services and supervision, if requested by the recipient or responsible party. Prior authorization is based on the physician's orders; the recipient's needs, diagnosis, and condition; an assessment of the recipient; primary payer coverage determination information as required; the service plan; and cost effectiveness when compared to other care options. The Department may authorize up to the following amounts of personal care assistant service:
 - a) up to 2 times the average number of direct care hours provided in nursing facilities for the recipient's comparable case mix level;
 - b) up to 3 times the average number of direct care hours provided in nursing facilities for recipients with complex medical needs, or who are dependent in at least seven activities of daily living and need either physical assistance with eating or have a neurological diagnosis;

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- c) up to 60 percent of the average payment rate for care provided in a regional treatment center for recipients who exhibit, or that without supervision, observation, or redirection would exhibit, one or more of the following behaviors:
 - 1) self-injury;
 - 2) physical injury to others; or
 - 3) destruction of property;
 - d) up to the amount medical assistance would pay for care provided in a regional treatment center for recipients referred by a regional treatment center preadmission evaluation team; or
 - e) up to the amount medical assistance would pay for facility care for recipients referred by a long term care consultation team; and
 - f) a reasonable amount of time for the provision of supervision of personal care assistant services, if a qualified professional is requested by the recipient or responsible party.
- Department prior authorization is also required if more than two reassessments to determine a recipient's need for personal care assistant services are needed during a calendar year.
 - Personal care assistant services must be prescribed by a physician. The service plan must be reviewed and revised as medically necessary at least once every 365 days.
 - For personal care assistant services
 - a) effective July 1, 1996, the amount and type of service authorized based upon the assessment and service plan will follow the recipient if the recipient chooses to change providers;
 - b) effective July 1, 1996, if the recipient's medical need changes, the recipient's provider may request a change in service authorization; and

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26. Personal care assistant services. (continued)

c) as of July 1, 1998, in order to continue to receive personal care assistant services after the first year, the recipient or the responsible party, in conjunction with the public health nurse, may complete a service update on forms developed by the Department. If a service update is completed, it substitutes for the annual reassessment described in item 6.d.B. of this attachment.

- All personal care assistant services must be supervised as described in this item. A reasonable amount of time for the provision of supervision shall be authorized.
- Personal care assistant services are provided for recipients who live in their own home if their own home is not a hospital, nursing facility, intermediate care facility for the mentally retarded (ICF/MR), institution for mental disease, or licensed health care facility.
- Recipients may use approved units of service outside the home when normal life activities take them outside the home. Effective July 1, 1996, total hours for personal care assistant services, whether performed inside or outside a recipient's home, cannot exceed that which is otherwise allowed for personal care assistant services in an in-home setting.
- Recipients may receive shared personal care assistant services (shared services), defined as providing personal care assistant services by a personal care assistant to two or three recipients at the same time and in the same setting. For purposes of this item, "setting" means the home or foster care home of one of the recipients, a child care program in which all recipients served by one personal care assistant are participating, which has state licensure or is operated by a local school district or private school, or outside the home or foster care home when normal life activities take recipients outside the home or foster care home. The provider must offer the recipient or responsible party the option of shared services; if accepted, the recipient or responsible party may withdraw participation in shared services at any time.